



Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
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<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

19 February 2009

Mr. Phillip Kohne  
East Bay Municipal Utility District  
Post Office Box 610  
Clements, CA 95227

**CERTIFIED MAIL**  
**7008 1140 0002 8805 9474**

**NOTICE OF VIOLATION, CONSTRUCTION STORM WATER GENERAL PERMIT NO. CAS000002, EAST BAY MUNICIPAL UTILITY DISTRICT, WDID NO. 5S39C351737, SAN JOAQUIN COUNTY**

On 17 February 2009, Central Valley Water Board staff inspected the SJ Louis portion of the pipeline project to evaluate compliance with the NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ (General Permit). East Bay MUD is responsible for complying with the General Permit for this project.

During the inspection, Water Board staff noted significant storm water management issues at several areas on the site. The project had uncovered stockpiles of dirt and lacked an effective combination of erosion and sediment control BMPs. In one area along Liberty these significant storm water management problems lead to a turbid storm water discharge into an unnamed creek channel.

East Bay MUD is in violation of Section A.6 of the General Permit which requires that, *"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season."* It is the rainy season, and your construction site does not have an effective combination of erosion and sediment control BMPs (see inspection photographs).

The discharge of sediment-laden water from your site is a violation of Discharge Prohibition A.3 of the General Permit, which states, *"Storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance."* Sediment-laden storm water from your construction site threatened to cause a condition of pollution and/or nuisance in surface waters, therefore, is a violation of Prohibition A. 3 (see photographs 4, 10 and 11).

## Response

In response to this Notice of Violation, East Bay MUD must immediately do the following:

- Immediately install and maintain BMPs throughout the project
- Ensure that all BMPs installed on the construction site meet the Best Conventional Pollutant Control Technology/ Best Available Technology Economically Achievable (BAT/ BCT) standard required by the General Permit.

**California Environmental Protection Agency**



In order to demonstrate compliance with the General Permit, we request that East Bay MUD submit the following to the Regional Board by **2 March 2009**:

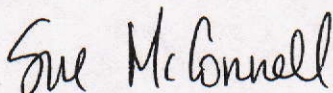
- A written explanation of how the BMPs will be installed and maintained throughout the construction site.
- All written inspection reports from 10/15/08 to present
- An updated SWPPP map showing all of the BMPs installed on the project.

Send the information to:

Attn: Richard Muhl  
Central Valley Regional Water Board  
11020 Sun Center Drive # 200  
Rancho Cordova, CA 95670

This violation of the General Permit has exposed you to possible further enforcement action. Under Section 13385 of the CWC, the Regional Water Board can impose administrative civil liabilities for violations of CWC Section 13376. The maximum administrative civil liability for each day of violation is ten thousand dollars (\$10,000) and ten dollars per gallon of polluted storm water discharged in excess of 1,000 gallons.

If you have any questions contact Rich Muhl at (916) 464-4749.



SUE MCCONNELL

Chief, Storm Water Compliance and Enforcement Unit

Enclosures: Water Board Inspection report  
Site photographs

cc w/out enc: Eugene Bromley, U.S. EPA, Region IX, San Francisco  
Shawn Hart, County of San Joaquin, Stockton  
David Kenney, EBMUD, Clements  
Eric Mische, Freeport Regional Water Authority, Sacramento



# Storm Water Construction General Permit Inspection Report

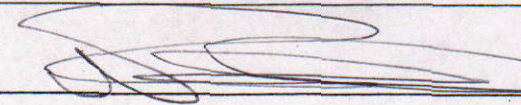
## Central Valley Regional Water Quality Control Board

Insp. Date & Time:	2/17/09	Inspected By:	R Muhl
WDID #	5S39C351737	Site County:	San Joaquin
Owner Name:	East Bay Mud Municipal District		
Site Name:	SJ Louis Construction Inc		
Site Address:	Folsom S Canal Connection Project		

Inspection Type: Compliance <input checked="" type="checkbox"/> Follow-up <input type="checkbox"/> Termination <input type="checkbox"/> Other (describe) <input type="checkbox"/>			
SWPPP on site?	Yes	Evidence of Erosion?	Yes
Photos Taken?	Yes	Evidence of Tracking?	Unknown
Weather: Rain		Evidence of Non-SW Discharge?	Unknown

### Inspection Summary / Comments:

During the site inspection, staff observed significant storm water management problems. The site lacked an effective combination of erosion and sediment control BMPs and had unstabilized stockpiles of soil. Along Liberty Road, staff observed the discharge of turbid water from the construction site due to the lack of BMPs and unstabilized stockpiles (see inspection photographs).

Signature 	Date <u>2/20/09</u>	Date Entered: _____
		Entered By: _____
		Senior Review: <u>R/M</u>



2/17/09



**Figure 1** Unstabilized stockpiles directly adjacent to the rock roadway.



**Figure 2:** Location where storm water discharges under the roadway. Red line shows approximate location of culvert.



**Figure 3:** Another view of the turbid flow from the project.



**Figure 4:** Area where turbid flow from the project mixed with clean flow from the creek.



**Figure 5:** Another view of the turbidity. Note the unstabilized stockpile of dirt. The contractor stated that the BMPs sprayed on the stockpile failed.



**Figure 6:** Unstabilized area directly adjacent to the silt fence. Storm water appeared to have backed up into the work area.



2/17/09



**Figure 7:** Another view of the problem area. Note the clean water in the creek and the turbid storm water from the construction site.



**Figure 8:** Another view of poorly stabilized area.



**Figure 9:** Another view of the poorly stabilized construction site. Note the clear storm water in the creek channel.



**Figure 10:** Turbid storm water from the site mixing with clear water from the creek



**Figure 11:** Turbid storm water in the channel. Photograph is taken at the boundary of the project looking east